

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

OLIVER ROBERT HOYTE,

Plaintiff,

v.

Case No. 8:21-cv-342-TPB-JSS

BAY AREA TRUST, LLC, JOSHUA  
ADAM HARROW AND GREGORY  
VANDER WEL,

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter is before the Court on consideration of the report and recommendation of Julie S. Sneed, United States Magistrate Judge, entered on April 28, 2021. (Doc. 6). Judge Sneed recommends that 1) Plaintiff's construed Motion for Leave to Proceed *in Forma Pauperis* (Doc. 2) be denied without prejudice; and 2) that the complaint be dismissed without prejudice and with leave to file an amended complaint that complies with the Federal Rules of Civil Procedure and sets forth the basis for the Court's jurisdiction. Neither Plaintiff nor Defendants filed an objection to the report and recommendation, and the time to object has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). A district

court must “make a de novo determination of those portions of the [report and recommendation] to which an objection is made.” 28 U.S.C. § 636(b)(1)(C). When no objection is filed, a court reviews the report and recommendation for clear error. *Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006); *Nettles v. Wainwright*, 677 F.2d 404, 409 (5th Cir. 1982).

Upon due consideration of the record, including Judge Sneed’s report and recommendation, in conjunction with an independent examination of the file, the Court adopts the report and recommendation in all respects. The Court agrees with Judge Sneed’s detailed and well-reasoned factual findings and legal conclusions. Consequently, Plaintiff’s construed Motion for Leave to Proceed *in Forma Pauperis* is denied without prejudice.

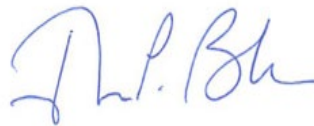
Accordingly, it is

**ORDERED, ADJUDGED, and DECREED:**

- (1) Judge Sneed’s report and recommendation (Doc. 6) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) Plaintiff’s construed Motion for Leave to Proceed *in Forma Pauperis* (Doc. 2) is **DENIED without prejudice**.
- (3) Plaintiff’s Complaint (Doc. 1) is **DISMISSED without prejudice** and with leave to file an amended complaint that complies with the Federal Rules of

Civil Procedure and sets forth the basis for the Court's jurisdiction. The amended complaint shall be filed on or before July 13, 2021.

**DONE** and **ORDERED** in Chambers, in Tampa, Florida, this 23rd day of June, 2021.



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**TOM BARBER**  
**UNITED STATES DISTRICT JUDGE**